Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXI] Trivandrum, Monday, 20th December 1976 / 29th Agrahayana 1898 [No. 724

GOVERNMENT OF KERALA

Labour (B) Department

NOTIFICATION

G. O. Rt. No. 1616/76/LBR. *Dated, Trivandrum, 18th December 1976.*

S. R. O. No. 1299/76.—In exercise of the powers conferred by section 6 of the Toddy Workers Welfare Fund Act, 1969 (22 of 1969), the Government of Kerala hereby make the following amendment to the notification issued under G. O. Rt. No. 545/76/LBR dated 10th April 1976 and published as S. R. O. No. 413/76 in Kerala Gazette Extraordinary No. 236 dated 10th April 1976, namely:—

AMENDMENT

In the said notification, under the heading "Officials nominated by the Government" for the entry "1. Shri U. Mahabala Rao, Special Secretary to Government of Kerala, Labour Department" the entry "1. Shri J. S. Badhan, Secretary to Government of Kerala, Labour Department" shall be substituted.

Under sub-section (4) of the said section the Government hereby appoint Shri J. S. Badhan Secretary to Government of Kerala Labour Department, a Director of the Kerala Toddy Workers Welfare Fund Board as the Chairman of the Board in the place of Shri U. Mahabala Rao.

By order of the Governor,

C. T. JOSEPH

Explanatory Note

(This does not form part of the amendment, but is intended to indicate the general purport).

As per G. O. Rt. No. 7086/76/PD dated 30-11-1976 Shri J. S. Badhan has been appointed as Secretary to Government, Labour Department in the place of Shri U. Mahabala Roa who has been appointed as the Chairman of the Cochin Port Trust. Government have decided to appoint Shri J. S. Badhan as one of the Directors as well as the Chairman of the Kerala Toddy Workers Welfare Fund Board. The notification is to achieve the above purpose.

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Government of Kerala
1976

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EXTRAORDINARY

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GOVERNMENT OF KERALA

Revenue (P) Department

NOTIFICATION

G. O. (P) 1486/76/RD. *Dated, Trivandrum, 17th December 1976.*

S. R. O. No. 1300/76.—Under rule 12 A of the Kerala Land Assignment Rules, 1964, the Government of Kerala hereby make the following amendment to the notification No. 18848/P1/71/RD dated the 6th January, 1973 published as S. R. O. No. 29/73 in the Kerala Gazette Extraordinary No. 28 dated the 9th January, 1973, as subsequently amended, namely:—

AMENDMENT

In the Schedule to the said notification, under the heading "KOTTAYAM DISTRICT", under the sub-heading "Kanjirappally Taluk", after item 8, the following item shall be inserted, namely:—

"9. Shri P. A. Joseph, P. S. P"
Puthuparambil,
Puthenchantha,
Mundakkayam.

By order of the Governor,

S. D. SHARMA,
Deputy Secretary.

33/4750/MC.

Explanatory Note

(This is not a part of the amendment or rule, but is intended to indicate the general purport).

It has been decided to nominate Shri P. A. Joseph, Puthuparambil, Puthenchantha, Mundakkayam as the representative of the Praja Socialist Party in the Land Assignment Committee, Kanjirappally Taluk, Kottayam District.

The amendment is to given effect to the above decision.

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KERALA GAZETTE

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GOVERNMENT OF KERALA

Local Administration and Social Welfare (C) Department

NOTIFICATION

No. 53638/C3/76/LA&SWD. *Dated, Trivandrum, 20th December* 1976.

The following draft of the Kerala Panchayats (Common Service) Rules, 1977 which the Government of Kerala propose to make in exercise of the powers conferred by sub section (2) of section 39 and sub section (1) of section 129 of the Kerala Panchayats Act, 1960 (32 of 1960) is hereby published for general information as required by sub section (2) of section 130 of the said Act.

Notice is hereby given that the said draft will be taken up for consideration on or after 20-1-1977 and that any objection or suggestion which may be received from any person in respect of the said draft before the date specified above will be considered by the Government. Objections and suggestions shall be addressed to the Special Secretary, Local Administration and Social Welfare (C) Department, Secretariat, Trivandrum.

By order of the Governor,

N. Gopalakrishnan Nair,
Special Secretary.

RULES

Chapter I

1. *Short title and commencement.*—(i) These rules may be called the Kerala Panchayats (Common service) Rules 1977.

(ii) It shall come into force with effect from......................

2. *Definition.*—In these rules unless the context otherwise requires:—

(i) 'Act' means the Kerala Panchayats Act, 1960 (32 of 1960).

(ii) 'Common Service' means the Service constituted for the regular employees of Panchayats other than the Executive Officer for each Revenue District and those paid from contingencies, as contemplated in sub section (2) of section 39 of the Kerala Panchayats Act, 1960.

(iii) 'Director' means the Director appointed under clause (7) of section 2 of the Act.

(iv) 'Joint Director' means the Joint Director of Panchayats in the Directorate of Panchayats appointed by the Government.

(v) 'Deputy Director' means the Deputy Director of Panchayats appointed under clause (8) of section 2 of the Act.

(vi) 'District Panchayat Officer' means the Officer of the Panchayat Department appointed by the Government to be in charge of the administration of a District unit of the Department.

(vii) 'Inspector of Panchayats' means the Inspector of Panchayats appointed by the Government or by the authority empowered.

(viii) 'Executive Authority' means the Executive Officer of a Panchayat or any other person who has been authorised to exercise the functions and powers of the Executive Officer under the Act.

(ix) 'Employment Exchange' means an Employment Exchange as defined under the Employment Exchanges (Compulsory Notifications of Vacancies) Act, 1959 (Central Act 31 of 1959).

(x) 'Panchayat employee' means an officer or servant of a Panchayat other than its Executive Officer but does not include any employee paid from contingencies.

(xi) 'Disciplinary authority' means the authority competent to impose a penalty on an employee.

(xii) The inquiry authority in respect of an employee means the disciplinary authority or any other officer duly authorised by him not below the rank of the Executive authority.

Chapter II

3. *Constitution of the Common Service.*—(1) With effect on and from the first day of .... the regular full time employees of Panchayats other than the Executive Officer and those paid from contingencies shall be constituted into a Common Service for each District.

(2) On the constitution of the Common Service under sub rule (1) the District Panchayat Officer shall prepare a combined gradation list of persons holding each category of posts in the Panchayats of the District.

(3) For the preparation of the combined gradation list the date of appointment of service in the cadre shall be the criterion for determining the seniority. If the date of appointment is the same in the case of employees of the different Panchayats, the older in age shall be treated as senior.

(4) The combined gradation list prepared shall be circulated to all the Panchayats in the District and the Panchayats may in turn circulate it among the employees. Objections, if any, filed by the employees within 30 days from the date of circulation of the gradation list shall be forwarded to the District Panchayat Officer by each Panchayat. The District Panchayat Officer shall consider all such objections before the list is finally approved and published.

(5) Appeal against the decision of the District Panchayat Officer shall lie with the Director who may take final decision independently or in consultation with the Government if necessary.

4. *Power to effect transfer of an employee from one Panchayat to another.*—(1) The Director, the Joint Director, the Deputy Director or the District Panchayat Officer shall transfer an employee holding any post included in the common service from one Panchayat to another in the District in the exigencies of service.

(2) In the exigencies of service and on requests from employees the Director, Joint Director or the Deputy Director shall transfer such employees from one District to another within the region and the Director of Panchayats alone shall effect transfers if it is from one region to another provided that if the transfer is on the request of the employee, such employee shall be treated as junior most in the category in the District to which he is transferred.

Note. "Region" used in this rule means the area over which the Deputy Director has jurisdiction.

5. *Payment of salary etc. to the employees of the common service by the Panchayat.*—(1) Every Panchayat shall be bound to disburse the pay and allowances of an employee serving under it at such rate as may be fixed by the Director from time to time.

(2) The leave allowances admissible to an employee under the rules shall be paid by the Panchayat in which h[illegible]

(3) The transit pay and travelling allowance at the rates admissible under the rules in force shall be paid to an employee transferred from one Panchayat to another by the Panchayat in which he joins duty.

(4) The travelling allowance to the employees shall be paid only after the bill is got countersigned by the Inspector of Panchayats having jurisdiction over the Panchayat. In the case of Special Grade Panchayats the District Panchayat Officer or other officer authorised by the Government in this behalf shall countersign such bills.

Chapter III

6. *Appointing Authorities and the procedure to be followed in making the appointments.*—(1) The District Panchayat Officer of the respective District shall be the appointing authority in respect of all posts coming under Groups I to V in the annexure to these rules, in the regular establishment of the Panchayats of the District.

(2) The appointing authority under Sub rule (1) shall comply with the provisions of the Employment Exchange (Compulsory Notification of Vacancies) Act, 1959 (Central Act 31 of 1959) and the rules and orders issued thereunder relating to the notification of vacancies to the Employment Exchange before the appointments are made.

7. *Appointments of Government servants under Panchayats.*—Notwithstanding anything contained in these rules, the appointing authority may appoint any officer in the service of the Government on deputation to any posts under groups II, III and IV in the Annexure to these rules, subject to the rules governing such deputation under the Kerala Service Rules.

8. *Appointment of dismissed or debarred persons.*—No person who has been dismissed from the service of the Central or State Government or of any Local Authority or any Co-operative or Banking Institution or a statutory corporation or a Board or who has been debarred from employment in the service of the Central or State Government or any Local Authority shall be entertained on the Panchayat Establishment.

9. *Qualification.*—(1) No person shall be eligible for appointment by direct recruitment to any post under a Panchayat.

(i) If he is not a citizen of India.

(ii) If he has not completed 18 years of age or is above 30 years of age on the 1st day of July of the year in which the appointment is made:

Provided that the upper age limit prescribed in this rule shall be relaxed by 5 years in the case of a candidate belonging to any of the Scheduled Castes or Scheduled Tribes and by 3 years in the case of a candidate belonging to any of the other Backward classes.

(2) No person shall be eligible for appointment to any post under a Panchayat by direct recruitment or by promotion or by transfer if he does not possess the qualifications prescribed for such post in the Annexure to these Rules.

(3) Notwithstanding anything contained in sub-rules (1) and (2) the Government may for sufficient reasons, on the recommendation of the appointing authority relax the age and qualifications prescribed under sub-rules (1) and (2) in respect of any candidate.

10. *Furnishing of certificate of health by an employee on 1st appointment.*—(1) Every person appointed by direct recruitment to any post in a Panchayat shall produce before the Executive Authority a certificate of health obtained from a Medical Officer not below the rank of an Assistant Surgeon or any Registered Medical Practitioner and a certificate of conduct and nativity obtained from the President or Chairman/Mayor of a Municipal or Corporation Council or a Gazetted Officer of the State Government.

(2) The Certificate under Sub rule (1) shall be attached to the bill in which the 1st pay of the Panchayat employee concerned is claimed.

11. *Probation and confirmation.*—(1) Every person appointed to any of the posts in the Establishment of a Panchayat shall from the date on which he joins duty be on probation:—

(a) If recruited direct, for a total period of 2 years on duty within a continuous period of 3 years and;

(b) if appointed by promotion, for a total period of 1 year on duty within a continuous period of 2 years.

12. *Applicability of the Kerala State and Subordinate Service Rules in the case of employees.*—The provisions of the Kerala State and Subordinate Services Rules, 1958, shall apply to this service wherever express provision is not otherwise provided for in these rules.

13. Notwithstanding anything contained in the Kerala State and Subordinate Service Rules, which have been adopted to the Common service under rule 12, the acting service of persons who have previously officiated in higher grade prior to the coming into force of these rules, but were subsequently reverted on termination of vacancy before or after the Constitution of the Kerala Panchayats Common service shall be taken into account for future promotions irrespective of their rank in the integrated gradation list.

14. *Security Posts.*—(1) The Director shall declare the posts in the Panchayats establishments the incumbents of which shall furnish security and specify the amount of security to be so furnished in respect of each post.

(2) The security may be in cash, in Treasury or Post Office Savings Bank Deposits or deposits in the Kerala State Co-operative Bank Ltd., Trivandrum or the District Co-operative Banks or in Government Promissory notes or fidelity bonds of Insurance Companies approved by the [illegible]

15. *Promotion.*—(1) No Panchayat employee shall be eligible for promotion from the category in which he was appointed unless he has satisfactorily completed the probation in tha t category.

(2) Promotions to a post in the Panchayat establishment declared as selection category by the Director shall be made on grounds of merit and ability seniority being considered only where merit and ability are approximately equal.

(3) All other promotions shall, subject to the provisions of these rules, be made in accordance with seniority, unless the promotion of a person has been withheld as a penalty, or unless the person concerned does not possess the required qualifications for holding such post.

16. *Application of the provisions of Kerala Service Rules to Panchayat employees.*—

(1) The provisions of the Kerala Service Rules shall *mutatis mutandis* apply to the Panchayat employees.

(2) The powers assinged to the Head of the Department under the Kerala Service Rules shall be exercised in the case of the Panchayat Employees by the Director.

17. *Authority to sanction leave.*—(1) Save as otherwise provided in sub-rule (2) the Executive authority shall be the authority competent to sanction all kinds of leave to the members of the Panchayat Establishment except study leave and special disability leave, provided the approval of the District Panchayat Officer is obtained in all cases where substitutes are necessary. The Director shall be the authority competent to grant study leave and special disability leave to any Panchayat employee.

(2) All kinds of leave other than casnal leave, study leave and special disability leave to the Panchayat employees borne in the Public Health, Medical and Engineering establishments may be sanctioned by the District Panchayat Officer concerned on the recommendation of the executive authority and shall be communicated to the District Medical Officer in the case of the Medical and Public Health staff and to the Assistant Engineer/Executive Engineer concerned of the Public Works Department in the case of the Engineering Establishment. Casual leave to the above staff may be sanctioned by the District Panchayat Officer or any officer authorised by him in his behalf.

18. *Maintenance of Confidential records of employees.*—(1) The Executive authority shall initiate the confidential records of every Panchayat employee coming under categories 1 to 5 in Group I in the Annexure to these rules. The executive authority shall submit the Confidential records to the President of the Panchayat before the 15th of January every year and the President shall record his remarks in the records and return it to the executive authority before the end of January. The executive authority shall be the custodian

(2) The Confidential Records of the Panchayat employees coming under Groups III and IV and category I in Group II in the Annexure to these rules except those of the heads of institutions shall be initiated by the heads of institutions concerned and they shall be submitted to the President before the fifteenth of January every year. The President shall record his remarks and return the records before the end of January every year to the heads of such institutions concerned. The heads of the institutions shall be the Custodians of these records.

(3) The confidential records of the heads of institutions shall be initiated by the President and forwarded to the District Panchayat Officer before the end of January every year. The District Panchayat Officer shall be the custodian Officer of these records.

(4) The confidential records of each employee shall be shown to him/her and got noted by the employee and representation, if any from the employee disposed of as per rules issued by the Government from time to time.

19. *Preaudit of arrear claims.*—Any claim of an employee of a Panchayat for arrears of pay, allowances or increments of pay which have been allowed to remain in abeyance for a period of more than one year shall, before payment the investigated by the Examiner of Local Fund Accounts or any Officer authorised by him in this behalf with the sanction of the District Panchayat Officer.

Chapter IV

PUNISHMENTS AND APPEALS

20. *Suspension*:—(i) The appointing authority or any other higher authority may at any time, place an employee under suspension:—

(a) where a disciplinary proceeding against him is contemplated or is pending, or

(b) where a case against him in respect of any criminal offence is under investigation or, trials, or

(c) where final orders are pending on the disciplinary proceedings, if the appropriate authority considers that in the then prevailing circumstances it is necessary in public interest that the employee should be suspended from service.

(ii) An employee who is detained in custody whether on a criminal charge or otherwise for a period exceeding 48 hours, shall be deemed to have been suspended with effect from the date of detention by an order of the appointing authority and shall remain under suspension until further orders.

(iii) Where a penalty or dismissal, or removal from service imposed on an employee under suspension, is set aside in appeal or on review under these rules and the case is remitted for further enquiry or action or with any other direction, the order of suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, or removal and shall remain in force until further orders.

(iv) Where a penalty of dismissal, or removal from service imposed on an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority on a consideration of the circumstances of the case decides to hold a further enquiry against him on the allegation on which the penalty of dismissal or removal was originally imposed the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal or removal and shall continue to remain under suspension until further orders unless there is anything contrary in the decision of the court.

(v) An order of suspension made or deemed to have been made under these rules may at any time be revoked by the authority which made or is deemed to have made the order, or by any appellate authority.

(vi) Where an employee is placed under suspension he shall be paid such subsistence and other allowances admissible under the rules and orders for the time being in force.

21. *Nature of penalties:*—The following penalties may for good and sufficient reasons and as hereinafter provided be imposed on an employee, namely:—

(i) Censure.

(ii) Fine.

Note:—No fine shall he imposed on any employee except in the last grade service. The infliction of very heavy fines and frequent infliction of small fines shall be avoided.

(iii) Withholding of increments or promotion.

(iv) (a) Recovery from pay of the whole or part of any pecuniary loss caused to the Government or to a local authority by negligence or breach of orders.

(b) Recovery from pay to the extent necessary of the monetary value equivalent to the amount of increment orders to be withheld where such an order cannot be given effect to.

Explanation.—In the case of stoppage of increment with cumulative effect, the monetary value equivalent to three times the amount of increment ordered to be withheld may he recovered.

(v) Reduction to a lower rank in the seniority list or to a lower grade or post or lower time scale or to a lower stage in a time scale.

Note:—(1) The reduction referred to may be either permanent or temporary as the case may be for a specific period.

(2) Temporary period of withholding of increments shall not be less than 3 months and a temporary period of withholding a promotion shall not be less than 6 months and both shall not be for more than 3 years. If the period is not specified in the order, it will be deemed to be three months in the case of temporary withholding of increments and 6 months in the case of temporary withholding of promotions. Temporary withholding of increment shall mean withholding of increments without cumulative effect or it shall not have the effect of postponing future increments.

(3) An order of reduction to a lower post or to a lower time scale shall entail loss of seniority.

(4) An employee so reduced shall take his place in the lower grade or lower time scale at the top of the list of employees in that grade or time scale. He shall be considered for promotion on the completion of the specified period of reduction. On promotion he shall take his place at the bottom of the higher grade or time scale.

(5) The previous service in the higher grade or time scale of an employee who has been reduced to a lower post or lower time scale shall on repromotion to the higher grade or higher scale, count for increments only subject to the provisions of rule 36 in Part I, Kerala Service Rules.

(vi) Removal from service which shall not be a disqualification for future employment.

(vii) Dismissal from service which shall ordinarily be a disqualification for future employment.

Explanation.—The following shall not amount to a penalty within the meaning of these rules.

(i) Withholding of the increment of an employee for failure to pass a Departmental examination or consequential to the extension of probation in accordance with the rules or orders governing the service or post or the terms of his appointment.

(ii) Stoppage of increment of an employee at the efficiency bar of the time scale of the ground of his unfitness to cross the bar.

(iii) Non promotion whether in an officiating or substantive capacity of an employee after consideration of hi

(iv) Reversion to a lower service, category, class, grade or post of an employee officiating in a higher service, category, class, grade, or post on the ground that he is considered after trial to be unsuitable for such higher service category, class, grade or post or on administrative grounds unconnected with his conduct.

(v) Reversion to his previous category, class, grade or post of an employee appointed on probation to another category, class, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or rules or orders governing probation.

(vi) Replacement of the service of an individual whose service had been borrowed from the State Government at the disposal of the Authority which had lent his service.

(vii) Termination of service of an employee appointed on probation during or at the end of the prescribed or extended period of probation in accordance with the terms of the appointment or the rules and orders governing probation—

(a) of an individual employed under an agreement in accordance with the terms of such agreement, or

(b) of an employee appointed otherwise than on contract to hold a temporary appointment on the expiration of the period of appointment.

22. *Disciplinary authority.*—(i) The authority competent to impose any of the punishments referred to in rule 21 on any employee shall be the Appointing Authority or any higher authority:

Provided that it shall be competent for the Appointing Authority to delegate the powers vested in it under this rule in respect of particular categories or all of the employees to any officer not below the rank of the Executive Authority.

(ii) Notwithstanding anything contained in sub-rule (i) the Executive Officer or the Inspector of Panchayats having jurisdiction over the Panchayats shall be competent to impose the punishment of censure or fine referred to in items (i) and (ii) of rule 21 on any employee working under him.

(iii) Subject to the provisions in rule 25 regarding appeals, the orders of the disciplinary authority refered to in sub rule (ii) shall be final.

(iv) The administrative control on the Panchayat employees shall vest in the Executive Authority.

23. *Authority to impose penalty when promoted or transferred.*—Where on promotion or transfer, an employee is holding an appointment in another category or grade, no penalty shall be imposed upon him in respect of his work or conduct [illegible] except by an authority competent to impose

24. *Procedure for imposing penalties.*—The procedure laid down in the Kerala Civil Services (Classification, Control and Appeal) Rules, 1961 in the matter of imposing penalty shall *mutatis mutandis* apply to the imposing of penalties on any employee of the Panchayat Common Service.

25. *Appeals preferred by employees.*—(i) *Orders not appealable.*—There shall be no appeal against any order passed under the provisions of these rules except as expressly provided herein.

(ii) *Appeal against orders of suspension.*—An employee may appeal against an order of suspension to the Deputy Director if the order of suspension was issued by the District Panchayat Officer and to the Director in other cases.

(iii) *Appeal against orders imposing penalties.*—(1) Save as otherwise provided in sub-section (1) of section 144 of the Act, no appeal shall lie against an order imposing any of the following penalties, namely:—

(a) Censure;

(b) A fine not exceeding three rupees.

(2) Every employee shall be entitled to appeal against an order imposing any of the penalties specified in rule 21 except those specified in sub rule (iii)(1) of this rule.

(3) An appeal against an order of the disciplinary authority shall lie

(a) if such authority is the District Panchayat Officer, to the Deputy Director; and

(b) in other cases to the Director.

26. *Period of Limitation.*—No appeal under these rules shall be entertained unless it is preferred within a period of two months from the date on which the appellant received the copy of the order appealed against:

Provided that the Appellate Authority may entertain the appeal after the expiry of the period if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

Note.—Appellate Authority which receives a copy of an appeal submitted direct shall not take any action on such copy until the period for the receipt of the appeal forwarded through the appropriate channel or a period of one month whichever is earlier is over.

27. *Form and contents of appeal.*—(i) Every person submitting an appeal shall do so separately and in his own name.

(ii) The appeal shall be addressed to the authority to whom the appeal lies, shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper languages and shall be complete in itelf.

28. *Submission of appeals.*—(1) Every appeal shall be submitted to the authority which made the order appealed against:

Provided that if such authority is not the Head of Office in which the appellant may be serving or if he is not in service, the appeal shall be submitted to the Head of the Office in which he was last serving who shall forward it forthwith to the said authority:

Provided further that a copy of the appeal shall be submitted direct to the appellate authority.

29. *Withholding of appeals.*—(1) The authority which made the order appealed against may withhold the appeal if—

(i) it is an appeal against an order from which no appeal lies, or

(ii) it does not comply with any of the provision of rules 27 and 28, or

(iii) it is not submitted within the period specified in rule 26 and no cause is shown for the delay, or

(iv) it is a repetition of an appeal already decided and no new facts or circumstances are adduced, or

(v) it is addressed to an authority to which no appeal lies under these rules:

Provided that an appeal withheld on the only ground that it does not comply with the provision of rules 27 and 28 shall be returned to the appellant and if re-submitted within one month thereof, after compliance with the said provisions shall not be withheld.

(2) When appeal is withheld, the appellant shall be informed of the fact and the reasons therefor.

(3) When the appeal is withheld, the authority withholding the appeal shall forward a copy of the order communicated to the employees to the appellate authority.

30. *Transmission of appeals.*—(1) The authority which made the order appealed against shall, without any avoidable delay, transmit to the appellate authority every appeal which is not withheld under rule 29 together with its comments thereon and the relevant records.

(ii) The authority to which the appeal lies may direct transmission to it of any appeal withheld under rule 29 and thereupon such appeals shall be transmitted to that authority together with the comments of the authority withholding the appeal and the relevant records.

31. *No appeal from an order withholding an appeal.*—No appeal shall lie against the withholding of an appeal by a competent authority.

32. *Consideration of appeals.*—(i) In the case of an appeal against an order of suspension the appellate authority shall consider whether in the light of the provisions of rule 20 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

(ii) In the case of an appeal against an order imposing any of the penalties specified in rule 21 the appellate authority shall consider—

(a) whether the facts on which the order was based have been established;

(b) whether the facts established afford sufficient grounds for taking action;

(c) whether the procedure prescribed in these rules have been complied with, if not whether such non-compliance has resulted in violation of any of the provisions of the Constitution or in failure of justice;

(d) whether the findings are justified; and

(e) whether the penalty imposed is excessive, adequate or inadequate and pass orders;

(i) setting aside, reducting, confirming or enhancing the penalty, or

(ii) remitting the case to the authority which imposed the penalty or to any other authority with such directions as it may deem fit in the circumstances of the case.

Provided that—

(i) the appellate authority shall not impose any enhanced penalty which neither such authority nor the authority which made the order appealed against is competent in the case to impose.

(ii) no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty; and

(iii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in item (v) to (vii) of rule 21 and an enquiry as laid down under rule 24 has not already been held in the case, the Appellate Authority shall, itself hold such enquiry or direct that such enquiry be held and thereafter on consideration of the proceedings of such enquiry and after giving the appellant an opportunity of making any representation which he may desire to make against such penalty, pass such orders as it may deem fit.

33. *Implementation of orders on appeal.*—The authority which made the order appealed against shall give effect to the orders passed by the Appellate Authority.

34. *Government's power to review.*—Notwithstanding anything contained in this Chapter the Government may on their own motion or otherwise, after calling for the records of any case, review any order passed by the District Panchayat Officer, Deputy Director, Joint Director or Director as the case may be—

(a) confirm, modify or set aside the order; or

(b) impose any penalty or set aside, reduce, confirm or enhance the penalty imposed by the order; or

(c) remit the case to the authority which made the order directing such further action or enquiry as they consider proper in the circumstances of the case; or

(d) pass such other orders as they deem fit:

Provided that—

(i) an order enhancing a penalty shall not be passed unless the person concerned has been given an opportunity of making any representation which he may wish to make against such enhanced penalty;

(ii) if the Government proposes to impose any of the penalties specified in items (v) to (vii) of rule 21 on a case where an enquiry as laid down under rule 24, has not been held, they shall direct that such enquiry be held and thereafter on consideration of the proceedings of such inquiry and after giving the person concerned such opportunity of making any representation which he may wish to make against such penalty, pass such order as they deem fit.

35. *Review of orders by the Director.*—The Director may if so authorised by the Government or of his own motion or otherwise call for the records of the case in a disciplinary proceedings in respect of an employee review any orders passed in such a case by the District Panchayat Officer, Deputy Director or Joint Director and after consultation with the District Panchayat Officer, Deputy Director or Joint Director if such consultation is considered necessary, pass such orders as he may deem fit, as if the employee had preferred an appeal against such orders:

Provided that no application for review shall be entertained after the expiry of a period of one month from the date of passing the order:

Provided further that no action under this rule shall be initiated more than one year after the date of the order to be reviewed.

36. *Appeals against orders passed before the coming into force of these rules.*—Nothing in these rules shall operate to deprive any person of any right of appeal which he would have had if those rules had not been made, in respect of any order passed before these rules, came into force. An appeal pending at the time when these rules came into force shall be deemed to be an appeal under these rules and rule 24 shall apply as if the appeal was against an order appealable under these rules.

Chapter V

37. *Power of Government to issue directions.*—(1) If any difficulty arises in the implementation of these rules, the Government may, as occasion arises issue such directions as they may deem fit to remove such difficulty.

(2) It shall be competent for the Government to issue such directions as they may consider necessary from time to time, in respect of the common service.

38. *Jurisdiction of the Vigilance Division extended.*—The Vigilance Division of the Government shall have jurisdiction over the employees for the purpose of surprise check and other anti-corruption enquiries as laid down in G. O. (Ms) 337/66/Home dated 14-9-1966 and other orders issued by Government from time to time.

ANNEXURE

Annexure to sub-rule (2) of rule 9 of the Kerala Panchayats (Common Service) Rules, 1977

Category of posts in the Establishment, their qualification and method of appointment.

Group I

Category 1	Head Clerk
Category 2	Panchayat Assistant
Category 3	Bill Collector
Category 4	Full Time Librarian
Category 5	Junior Bill Collector
Category 6	Peon

Group II

Category 1	Nursery School Teacher
Category 2	Ayah

Group III

Category 1	Junior Engineer
Category 2	1st Grade Overseer
Category 3	2nd Grade Overseer
Category 4	Work Superintendent

Group IV

Category 1	Medical Officer
Category 2	Nurse
Category 3	Auxiliary Nurse-cum-Midwife
Category 4	Pharmacist
Category 5	Nursing Assistant
Category 6	Sanitary Inspector
Category 7	Midwife

Group V

Category 1	Tractor Driver
Category 2	Driver

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The following shall be the qualifications and the method of recruitment to the categories of posts:—

Category of posts	Methods of recruitment	Qualifications
(1)	(2)	(3)
	GROUP I	
1. Head Clerk	By promotion from among the Panchayat Assistants	1. S. S. L. C. or equivalent 2. 10 years service as regular employee of the Panchayat. 3. Panchayat Executive Officers Training or Panchayat Test. 4. Pass in Account Test (Lower).
2. Panchayat Assistant	By promotion from qualified Bill Collectors or appointment from among qualified Yogic Instructors	S. S. L. C. or equivalent.
3. Bill Collector	By promotion from qualified Junior Bill Collectors who have passed S. S. L. C. or its equivalent, full time librarian or by appointment from among qualified Yogic Instructors or in the absence of suitable candidates by direct recruitment	S. S. L. C. or equivalent.
4. Full time Librarian	From Junior Bill Collectors or by transfer from last grade employees and full time and part time contingent employees with 5 years service or in the absence of suitable candidates by direct recruitment	1. S. S. L. C. or equivalent. 2. A pass in certificate course conducted by the Kerala Grandhasala Sanghom.

(1)	(2)	(3)
5. Junior Bill Collector	By transfer from last grade employees or from full time or part time contingent employees with 5 years service or in the absence of suitable candidates by direct recruitment	1. Standard VII (Pass) or equivalent for those in service. 2. S. S. L. C. or equivalent for direct recruitment.
6. Peon	By promotion from contingent employees with a minimum of 5 years service or by direct recruitment in the absence of qualified hands for promotion	1. Standard IV 2. Cycling.
	GROUP II	
1. Nursery School teacher	By promotion from qualified part time Nursery School teachers with a minimum of 5 years service or by direct recruitment in the absence of qualified hands for promotion	1. S.S.L.C. or equivalent. 2. Nursery School Training.
2. Ayah	By promotion from contingent employees with a minimum of 5 years service or by direct recruitment in the absence of qualified hands for promotion	Pass in Form III (Standard VII) or equivalent.
	GROUP III	
1. Junior Engineer	By promotion from the 1st Grade Overseers or by direct recruitment in the absence of qualified hands for promotion	Must possess any one of the following qualifications.

1. Direct recruitment	B. Sc. Degree in Engineering (Civil or Mechanical) of the Kerala University, B. E. Degree (Civil or Mechanical) of the Madras University or any other qualification recognised as equivalent thereto. Diploma in Civil Engineering or Mechanical Engineering of the College of Engineering, Guindy which was abolished in 1945 will be treated as equivalent to a degree. OR (a) Associate Membership diploma of the Institution of Engineers (India) in Civil or Mechanical Engineering or any other diploma recognised as equivalent thereto. (b) Pass in Sections A & B of the Associate Membership Examination of the Institution of Engineers (India) in Civil or Mechanical Engineering.
2. Promotion	(1) (a) Must possess any one of the following diplomas and must have rendered service for a minimum period of two years in the category of Overseer, Grade I or other equated posts. (a) Upper Subordinate Diploma of the College of Engineering, Guindy. (b) Diploma in Civil or Mechanical Engineering of the Travancore (now Kerala) University or diploma recognised by Government as equivalent thereto.

(1)	(2)	(3)
		(c) Lower Subordinate Diploma of the College of Engineering, Guindy. (d) Licentiate in Civil or Mechanical Engineering from the Technical Institute at Kozhikode, Trichur, Kalamassery or other equal courses. OR (b) Must possess any of the certificates shown below and must have rendered service for a minimum period of five years of which not less than two years should be in the category of Overseer Grade I or other equated posts. (a) S. M. T. (Sree Mulam Technical Institute) Overseer's Course (two years course) (b) Draftsman's Course, College of Engineering, Guindy. (c) Group Certificates under M. G. T. E. (Madras Government Technical Examination). *Note.*—Group Certificate will include all the four groups, viz., Building, Drawing, Building Construction, Survey and Irrigation. Alternatively a pass in eight subjects namely, Survey and Levelling

(Higher) Applied Mechanics (Higher) Building Materials and Construction (Higher) Hydraulics and Irrigation (Higher) Building Drawing and Estimating (Higher) Earthwork and Road making (Higher) Geometrical Drawing (Lower) or Practical Plane and Solid Geometry (Lower) and Mensuration (Lower)

(d) Certificate Course of College of Engineering, Trivandrum (two years course).

(e) Draftsman (Civil) or Draftsman (Mechanical) Diploma obtained after 18 months course (followed by six months Practical Training) at the Industrial Training Centre conducted by the Government of India, Ministry of Labour at Trivandrum, Trichur, Chalakudy, Cannanore or elsewhere.

Note.—(1) Gandidates who have successfully completed the industrial training of 18 months will also be treated as qualified even if they have not completed the period of inplant training. But their appointments will be treated as provisional and regularised only after completion of six months training.

(1)	(2)	(3)
		(2) Persons already in service in the Department on the date of issue of the rules holding a certificate secured after undergoing Draftsmen Civil or Mechanical Training under the T. T. Scheme, College of Engineering Trivandrum or at the Industrial Training centres of the Ministry of Labour, Government of India after a course of 18 months would be deemed to possess equivalent qualification. (f) Pass in the Overseer Course conducted by Government. *Note.*—Work Establishment Service shall be counted in computing the five years service, provided that provisional or emergency service shall not be so counted. (2) Must possess the minimum general educational qualification of the S. S. L. C. Standard. *Note.*—(1) Vacancies reserved to be filled by promotion shall be allocated between those possessing the qualifications specified in clause (a) and (b) in item (1) in the above ratio of 3:1.

2. A senior diploma holder shall not be superseded by a Junior certificate holder for promotion in order to maintain the 3:1 ratio.

3. A person who obtains any of the diplomas mentioned under item (a) after his appointment as Overseer Grade I/Draftsman Grade I shall be eligible for promotion as Junior Engineer against the quota allotted to those possessing the same qualification only after Grade I, who on the date of his obtaining the Diploma, possessed the qualifications mentioned in clause (a) in item (i) above have been considered provided however that this shall not be detrimental to his interest if he is likely to get an earlier chance for promotion in the quota allotted for certificate holders.

4. Overseer Grade I/Draftsman Grade I possessing the qualifications of S.M.T. Maistry's Course or Civil Maistry's Course or Section Superintendents Course and who have a minimum service of ten years of which not less than seven years should be as Overseer Grade I/Draftsman Grade I shall be considered for promotion as Junior Engineer in the quota allotted for certificate holders provided they possess the minimum general educational qualification of S. S. L. C. Standard.

(1)	(2)	(3)
2. I Grade Overseer	By Promotion from 2nd Grade Overseers	Must possess any one of the following qualifications:— (a) Upper Subordinate Diploma of the College of Engineering, Guindy. (b) Diploma in Civil or Mechanical Engineering of the Travancore (now Kerala) University or Diploma recognised by Government as equivalent thereto. (c) Lower Subordinate Diploma of the College of Engineering, Guindy. (d) Licentiate in Civil or Mechanical Engineering from Technical Institutes at Kozhikode, Trichur, Kalamassery or other equal courses.
		Must possess any of the following qualifications:— (a) S.M.T. (Sree Mulam Technical Institute) Overseer's Course (2 years course). (b) Draftsmans' Course, College of Engineering, Guindy. (c) Group Certificate under M.G.T.E. (Madras Government Technical Examination). *Note:*—Group Certificate will include all the four groups, viz., Building Drawing, Building construction, Survey and Irrigation.

Alternatively a pass in eight subjects namely Surveying and Levelling (Higher), Applied Mechanics (Higher), Building Materials and Construction (Higher), Hydraulics and Irrigation (Higher), Building Drawing and Estimating (Higher). Earthwork and Road making (Higher) Geometrical Drawing (Lower) or Practical Plane and Solid Geometry (Lower) and Mensuration (Lower).

(d) Certificate Course of College of Engineering, Trivandrum (2 years course).

(e) Draftsman (Civil) or Draftsman (Mechanical) Diploma obtained after 18 months course (followed by six months practical training) at the Industrial Training Centre conducted by the Government of India, Ministry of Labour at Trivandrum, Trichur, Chalakudy, Cannanore or elsewhere.

Note:—(1) Candidates who have successfully completed the Industrial training of 18 months will also be treated as qualified even if they have not completed the period of inplant training. But their appointments will be treated as provisional and regularised only after completion of 6 months training.

(2) Persons already in service in the Department on the date of issue of the rules holding a certificate secured after undergoing Draftsmans Civil or

(1)	(2)	(3)
		Mechanical training under the T. T. Scheme, College of Engineering, Trivandrum or at the Industrial Training Centres of the Ministry of Labour, Government of India after a course of 18 months would be deemed to possess equivalent qualification. (f) Pass in the Overseer Course conducted by Government OR Must possess Surveying and Levelling K.G.T.E. or M.G.T.E. compulsory and any four of the following subjects under K.G.T.E. or M.G.T.E. viz. (1) Applied Mechanics (Higher) (2) Building Materials and Construction (Higher) (3) Hydraulics and Irrigation (Higher) (4) Building Drawing and Estimating (Higher) (5) Earthwork and Road Making (Higher) (6) Mensuration (Lower). *Note:*—Appointments by promotion and direct recruitment shall be made in the ratio of 1:1. Persons possessing the qualifications (d) and (e) for promotion must have rendered a minimum service of 5 years in the category of Draftsman Grade II.

If suitable persons with the above qualifications are not available for promotion persons holding the posts of Draftsman, Water Works Inspector, Overseer (Grade II) with at least five years service in P.W.D. or P.H.E.D. with any one of the qualifications mentioned in items 1, 2 or 3 below or persons holding the same post with at least seven years service in the P.W.D. or P.H.E.D. with any of the qualifications mentioned under items 4, 5 or 6 below may be appointed:

1. S. M. T. Maistries course (1 year) conducted by the S.M.T. School, Trivandrum (defunct).
2. Civil Maistries course (1 year) conducted by College or Engineering (Trivandrum) defunct.
3. Section Superintendents course (six months course) conducted by the Cochin Government.
4. Certified course in plumbing (defunct).
5. Certified course in Carpentry and Smithy (3 years course).
6. Certified course in Carpentry and Cabinet making with a pass in Surveying and Levelling (Higher) M.G.T.E. or K.G.T.E.

3.	2nd Grade Overseer	By promotion from Work Superintendents or by direct recruitment in the absence of qualified hands for promotion.	Must possess any one of the following: (a) S.M.T. (Sree Mulam Technical Institute) Overseer's Course (2 years course). (b) Draftsman's Course, College of Engineering, Guindy.

(1)	(2)	(3)
		(c) Group Certificate under M.G.T.E. (Madras Government Technical Examination).

Note:—Group certificate will include all the four groups, viz., Building Drawing, Building Construction, Survey and Irrigation.

Alternatively a pass in eight subjects, namely Surveying and Levelling (Higher), Applied Mechanics (Higher), Building Materials and Construction (Higher), Hydraulics and Irrigation (Higher), Building Drawing and Estimating (Higher), Earth work and Road making (Higher), Geometrical Drawing (Lower) or Practical Plane and Solid Geometry (Lower) and Mensuration (Lower).

(d) Certificate Course of College of Engineering, Trivandrum (2 years' Course).

(e) Draftsman (Civil) or Draftsman (Mechanical) Diploma obtained after 18 months course (followed by six months practical training) at the Industrial Training Centre conducted by the Government of India, Ministry of Labour at Trivandrum, Trichur, Chalakudy, Cannanore or elsewhere.

Note:—(1) Candidates who have successfully completed the industrial training of 18 months will also be treated

as qualified even if they have not completed the period of inplant Training. But their appointments will be treated as provisional and regularised only after completion of 6 months training.

(2) Persons already in service in the Department on the date of issue of the rules holding a certificate secured after undergoing Draftsman's Civil or Mechanical training under the T. T. Scheme, College of Engineering, Trivandrum or at the Industrial Training Centre of the Ministry of Labour, Government of India, after a course of 18 months would be deemed to possess equivalent qualification.

(3) Diploma in Craftsmanship (Trade Test Certificate) in the Grade of Draftsman (Civil) or Draftsman (Mechanical) awarded to private candidates without insisting on six months practical training will be treated as an alternative qualification for direct recruitment to the post of Second Grade Draftsman.

(f) Pass in the Overseer course conducted by Government

OR

Surveying and Levelling (Higher) K.G. T. E. or M. G. T. E. with any three of the following subjects:

(1) Building Drawing and Estimating (Higher).

(1)	(2)	(3)
		(2) Building Materials and Construction (Higher). (3) Earth Work and Road making (Higher). (4) Hydraulics and Irrigation (Higher). 1. Any of the qualifications mentioned below: (a) Draftsman's course (Mechanical) Diploma of I.T.C. (M.T.I.) Trichur, Second Grade Certificates secured by Draftsman Civil or Mechanical Trainees under T.T. Scheme, College of Engineering or under Industrial Training Centre conducted by the Ministry of Labour, Government of India after a course of 18 months OR Surveying and Levelling (Higher) K.G.T.E. or M.G.T.E. with any two of the following subjects: (1) Building Drawing and Estimating (Higher). (2) Earth Work and Road making (Higher). (3) Geometrical Drawing (Higher). (4) Building Materials and Construction (Higher). Two years' service as Tracer.

Work Superintendent	By direct recruitment	(1) S.S.L.C. Passed. (2) Must possess any one of the following: (a) Draftsman's course (Mechanical Diploma of I.T.C. (M. T. I., Trichur). (b) Lower Grade Drawing Groupe Gertificate (M.G.T.E.). (c) Second Grade Certificate secured by Draftsman Civil or Mechanical Trainees under T. T. Scheme, Gollege of Engineering or under Industrial Training Centre conducted by the Ministry of Labour, Government of India. after a course of 18 months. (d) Building Drawing and Estimating (Higher or Lower) M.G.T.E. and any two of the other Civil Engineering subjects under M.G.T.E. (e) Diploma in Civil Engineering (2 years course) of the Women's Polytechnics of the State.

GROUP IV

1. Medical Officer	By direct recruitment	M.B.B.S. Degree with one year House Surgeoncy or any other qualification equivalent thereto. Must below the age of 43 years.
2. Nurse	By direct recruitment	1. Minimum general educational qualification of S.S.L.C. Standard. 2. Successful training for a period of not less than three years in General Sick Nursing.

(1)	(2)	(3)
		3. In the case of women candidates successful training for not less than 9 months in midwifery from an institution recognised by the State Government and in the case of male successful completion of short term course in one or other of the Nursing subject of Venereology, Urology, Psychistry in Opthalmology conducted in a major hospital. 4. A Certificate or Registration with Kerala Nurse and Midwives in the case of women candidates and Certificate of Registration as a Nurse in the case of male candidates.
3. Auxiliary Nurse-cum-Midwife	By direct recruitment	1. Minimum general educational qualification of S.S.L.C. standard. 2. Auxiliary nurse-midwifery certificate from an institution recognised by the Indian Nursing Council.
4. Pharmacist	By direct recruitment	1. General educational qualification of S.S.L.C. 2. Compounding certificate issued by the Kerala Government or any other equivalent qualification. *Age*: Not below the age of 18 and above 30 years.
5. Nursing Assistant	By direct recruitment	S.S.L.C. Standard.

6.	Sanitary Inspector	By direct recruitment	1. S.S.L.C. or equivalent 2. Sanitary Inspectors test or Health Inspectors certificate.
7.	Midwife	do.	(a) Holder of a certificate or any of the following Institutions: (i) Government school of Nursing, Trivandrum. (ii) L.M.S. Mission Hospital Training School, Neyyoor. (iii) Salvation Army Catherene Booth Hospital Training School, Nagercoil. (iv) L.M.S. Hospital, Kundara. (v) Thiruvalla Medical Mission Nursing School for three years from 10-10-1953 till 10-10-1956 or (b) Holder of trained Midwives and Nurses certificates of any of the State Governments in the Indian Union. (c) S.S.L.C. Candidates with two years Midwifery training in any Government Institutions.

GROUP V

1.	Tractor Driver	By transfer from qualified last grade employees or from contingent employees within a minimum of 5 years service or in the absence of suitable candidates by direct recruitment.	1. Literacy in Malayalam. 2. Must have sound practical knowledge about the maintenance and upkeep of tractors and Bull dozers. 3. Must possess a current Tractor Driving Licence.

(1)	(2)	(3)
2. Driver	By transfer from qualified last grade employees with a minimum of 5 years service or by direct recruitment in the absence of suitable candidates	1. Literacy in Malayalam. 2. Must possess a current Motor Driving licence. 3. Must have sound practical knowledge about the maintenance and upkeep of the vehicle.

Note: The term 'direct recruitment' shall be construed as the appointments made from the lists of candidates sponsored by the Employment Exchange.

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GOVERNMENT OF KERALA

Home (SS.A) Department

NOTIFICATION

No. 33957/SSA1/76/Home. *Dated, Trivandrum, 20th December 1976.*

The following Notification No. GG/429/SB. IV/PSA-4075-15 dated the 4th December 1976 of Government of Gujarat is republished.

By order of the Governor,

P. N. PISHARODY,
Deputy Secretary to Government.

HOME DEPARTMENT (SPECIAL)

Sachivalaya, Gandhinagar

Dated the 4th December, 1976.

ORDER

No. GG/429/SB. IV/PSA-4075-15:—WHEREAS detention order under section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) has been made by the Secretary to Government, Home Department under Order No. SB. IV/PSA-4075-15 dated the 20th November, 1975 in respect of Shri A. Mamu Umar Malbari residing at Kanjra Mukh, District Malappuram, Kerala.

And WHEREAS the aforesaid detention order was sent to the Deputy Inspector General of Police, CID (Crimes and Railways), Gujarat State, Ahamedabad for execution;

And WHEREAS the Dy. Inspector General of Police, CID (Crime and Railway), Gujarat State, Ahamedabad has reported that the said person has absconded or is concealing himself so that the aforesaid detention order cannot be executed;

And WHEREAS the Government of Gujarat has reason to believe that the aforesaid person has absconded or is concealing himself so that the detention order cannot be executed;

Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974, the Government of Gujarat hereby directs the said Shri A. Mamu Malbari to appear before the said Dy. Inspector General of Police, CID (Crime & Railway) Gujarat State, Ahamedabad at his office at Ahamedabad within a period of fifteen days from the date of the publication of this order in the official Gazette.

By order and in the name of the Governor of Gujarat,

P. M. SHAH,
Under Secretary to Government.

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